



The effect government supply chain processes have on the procurement of COVID-19 personal protective equipment

Zamokuhle Mbandlwa, Researcher in the Department of Public Administration, Durban University of Technology
Fulufhelo Netswera, Executive Dean in the Faculty of Management Sciences, Durban University of Technology, Senior researcher

Abstract- There are calls by Non-Governmental and Community Based Organizations, among others for the South African government to stop the procurement of goods and services through the public supply chain system all together because it is laden with corruption. Public procurement related corruption is now considered a norm in South Africa and the biggest pervasion in the democratic state as revealed by the State Capture Commission and in various annual Auditor General reports.

The emergence of the COVID-19 pandemic in early 2020 has exposed procurement irregularities as perhaps South Africa's biggest governance challenge since 1994. An estimated R500 billion Covid-19 budget allocation is alleged to have been whipped away in just three months in tender fraud schemes to members of the ruling African National Congress and senior government administrators, their family members and even diseased members of the public. The Covid-19 related tendering system has been viewed as an opportunity to maximize personal wealth by inflating prices and engaging in kick-backs schemes between businesses and government officials resulting in the supply of poor-quality goods and services and in some instance no service at all.

The aftermath of the Covid-19 pandemic was depleted state coffers forcing the South African government to large international borrowing for the first time since 1994 from the International Monetary Fund (IMF) and the New Development Bank (BRICS Bank). As at December 2020 government debt is projected to have escalated to 80% of the GDP at nearly R4,5 trillion.

This paper analyses the social and economic "missed opportunities" due to the public tendering system and the associated corruption with implications on government insourcing, potential public sector employment opportunities, support for entrepreneurship, and sustenance of a government surplus. The paper is desktop research-based and analyses secondary data from newspaper report and articles, among other sources

Keywords: corruption, supply chain, Covid-19 pandemic, virus, procurement.

I. INTRODUCTION

Covid-19 pandemic has exposed how procurement legislation and policies in South Africa created opportunities for corrupt government officials and politicians to steal from the public purse. The looting during the Covid-19 pandemic crisis in the year 2020 has hindered the implementation of crucial programmes that were originally designed to eradicate poverty and curb the spread of the virus in South Africa. Various headlines in public media point to the looting of funds that were meant for personal protection equipment (PPE) such as surgical gloves, masks, and sanitizers (Fouche, Fouché and Theron, 2020: 104). The decision of the national government to relax the existing procurement policies in the year 2020 in line with the Disaster Management Act provided unfettered powers to the national and provincial Department of Health to procure these services timeously and thereby subverting ethical conduct associated with procurement regulations and escalating public procurement corruption. The national government announced the relaxation of the emergency public procurement measures in March 2020. Because of the relaxation decision, the Disaster Management Act gave power to the national executive to give instructions to all government levels. This placed a responsibility to procure the PPE for essential services such as the health sector, the law enforcement sector, to the national government. This was a gambling decision for the government to try and save the lives of the people. This decision has produced negative results in the government supply chain system. This did not only harm the procurement system but it also caused a life-threatening situation in the health sector due to PPE shortages (Hamzah, 2020: 157). The procurement system was overwhelmed by poor coordination, poor planning, and no proper mechanism to hold people accountable for government funds. The emergency procurement effort to speed up the process of providing the PPE for the essential workers had negative consequences for the already crippled public procurement system.

Apart from the manipulation of the procurement processes of the PPE, there is also a diversion of the products procured by the government. The report made by the Auditor-General, Maluleke (2020: 01) stated that the PPE products were not going where they were intended. Massive allegations of wasteful expenditure and corruption in tender processes emerged across the different levels of government even though the national executive was the centre of this process. Over 600 companies are currently being investigated by the Special Investigating Unit (SIU) for tenders awarded to them valued over R5-billion (Mbunge, 2020: 1810). This put the law enforcement agencies in a spot light hence some senior officials in the SIU itself are under investigation. This paper, therefore, presents the effect of COVID-19 on the supply chain system in South Africa. The purpose of this paper is to create an awareness of how the South African procurement legislation and policies have been subverted than save lives. Further, this paper shows how opportunistic government employees and leaders used the Covid-19 pandemic to enrich themselves at the expense of the people of South Africa.

II. THEORETICAL FRAMEWORK

South Africa is a country with clear policies that guide public service delivery. The policies of government on the Broad-Based Black Economic Empowerment (BBBEE) are aimed at prioritising procurement support to black businesses. The purpose of the policy is to accommodate those that have during the apartheid era been left out in the economic activities and precisely black people (Pooe, 2013: 635). The PPE procurement scandals have however exposed the weakness associated with the public procurement policies in South Africa. The weaknesses also show that procurement policies are failing to bridge the gap between the rich and the poor, but mostly, the policies are subverted to enrich the few connected individuals in government and in political power. Black business owners and those close to government and political leadership are the main beneficiaries of public procurement opportunities. Corruption and nepotism have always been a big issue in South Africa but the procurement of the PPE has shown a high level of corruption infestation (Govender, Cowden, Nyamaruze, Armstrong and Hatane, 2020: 05). Corruption during the procurement of COVID-19 PPE can be characterized as inhumane on the basis of the scale of corruption and in terms of the lives it possibly puts in danger if and when PPE are not supplied. Politicians and government officials that were involved in the procurement scandals in essence portray a non-caring image regarding the lives of South Africans. Those that are in leadership can manipulate the system for their selfish interests. South Africa might have good procurement policies and good checks and balances but those who are in power have a way to continuously pervert supply chain processes in their favour.

Corrupt officials in PPE procured are alleged to have colluded with the bidders and shared important confidential tender information (Broadbent, Combrink and Smart, 2020: 06). The South African public sector generally lacks ethical leaders who are willing to do things the right way regardless of the pressure from other colleagues and government business partners. In the tendering process particularly during the pandemic, public officials played the role of manipulating the procurement policies. Beneficiaries of the manipulation process of procurement policies compensate the corrupt public officials. Most of these corrupt officials has mastered the tactics of manipulating the procurement policies. According to de Villiers, Cerbone and Van Zijl (2020: 07), procurement policies do not effectively address the issues of corruption. Those who work in the supply chain section can easily commit corruption and get away with it. Procurement policies do not seem to have clear provisions for dealing with corruption. Therefore, the monitoring of emergency procurement becomes more difficult. Emergency procurement is more vulnerable and exposed to more corruption when compared to normal procurement procedures. In this case, the procurement of the PPE falls under the emergency procurement rules and processes. This is mainly the reason why most corruption activities have been identified during the procurement of the PPE equipment. The South African government like any other government in the world has an anti-corruption framework, anti-corruption structures, law enforcement agencies, and public vigilance and reporting structures but those that are in power always find a way to practice corruption (Labuschaigne, 2020: 07).

South Africa lacks tough actions against those that are corrupt by the government structures or law enforcement agencies. There is a need for the South African procurement policies to be amended and provide a clause that will address corruption. Those that are corrupt must be punished but their companies must also be listed as corrupt companies and must not be allowed to do business with the government in the future. Currently, the policy allows for the punishment of the public officials that are found to be corrupt and do not

include the companies. The European Council in the European parliament provided legislation that allows the exclusion of companies to participate in the public contract (Criminal Watch, 2020: 02).

Public procurement plays a significant role in public services because most of the services are offered to the people by the third-party instructed and paid by the government. Poor delivery of goods and services by the third party reflects the government and people view the government as a failure. Based on this background it is therefore important for the government to tighten the belt and close all loopholes that could expose corrupt elements. Corruption during the procurement of the PPE reflects badly on the government and indicate failures of the government to fight corruption but mostly to protect the system and the people against corruption (Seekings and Natrass, 2020: 107). There is a need for the South African government to change the system and benchmark with systems that worked for other countries. South African leaders are currently theorizing and rhetoric about ending corruption but the political will to finally end corruption is lacking. Regardless of the public announcements about ending corruption and money laundering, corruption still exists and people are caught in corrupt activities. The reason could be the consequences on those that are corrupt (Behrens, 2020: 29). The country is not taking corruption seriously like other countries and most developed countries. Developed countries such as China treat corruption with very high respect and those that are found to be corrupt are assassinated and this creates a fear to those who might think of committing corruption. A country that is serious about ending corruption creates a corruption-free environment and implement mechanisms and systems that make it difficult for people to commit corruption. Further, consequence management is crucial and this suggests that the consequences should be very harsh like that one of China. Another existing argument on ending corruption in the procurement system is to employ well-trained procurement officers. This has also proven to fail the call to end corruption because most of the people that have been charged for corruption are well trained and experienced officials (Bulled and Singer, 2020: 05).

The Public Financial Management Act 1 of 1999 (PFMA) and the Municipal Finance Management Act 56 of 2003 are the legislative that is guiding the use of public funds. Both laws have a jurisdiction that gives power to officials to use public funds if there is compliance with both legislations. The Public Finance Management Act is regulating the use of finances and financial practices for all the south African government institutions. The focus of the Public Finance Management Act is primarily regulating the framework for national and provincial supply chain management (Erasmus, 2008: 58). Both legislations are the prominent pillars of the South African Constitution and feature an effective procurement system that is supposed to be fair, transparent, cost-effective, and equitable. The national treasury further supports the PFMA by providing the guidelines to procurement processes and the procurement system (Arndt, Davies, Gabriel, Harris, Makrelov, Robinson, Levy, Simbanegavi, van Seventer and Anderson, 2020: 100). The guidelines are mainly focusing on the inclusion of the small, medium, and micro-businesses. The idea of further providing the guidelines was to ensure that wealth is shared accordingly. Standards, principles of behaviour, and ethics are also included in the guidelines. The treasury and the PFMA provide terms of accountability to those that are involved in public private partnership. The treasury provided five pillars of procurement that needs to followed by all government departments. If one of the pillars is compromised, it affects the credibility and reliability of the procurement process. The five pillars are the following:

- Value for money, the guidelines override the earlier policies that stated that the cheapest bidder must be appointed. This, therefore, indicate that the lowest price is not always the best for the job or for the services to be rendered and goods to be delivered. Value for money as per the treasury regulations means the best available outcome in terms of the benefits and costs over the procurement cycle and everything has been considered.
- Open and effective competition, this guideline refers to the transparency, clear procedures and practices that allow all parties to participate freely.
- Ethics and fair dealing, all parties are expected to act fairly and observe ethical standards at all times. The integrity of the government and business must always be taken into consideration.
- Accountability and reporting, government officials and business leaders are accountable for their actions and must be held accountable for every action taken. This put more emphasis on the openness and transparency of activities.
- Equity is the last pillar that indicates the importance of equity in the procurement of goods and services by the South African public sector.

III. RESEARCH METHODOLOGY

Research methodology refers to techniques and specific procedures to be followed in analyzing and identifying relevant information for the study that is being conducted. The purpose of the research methodology section is to allow a reader to critically evaluate the validity and reliability of the study (Ørngreen and Levinsen, 2017: 71). The nature of research can be divided into two groups, descriptive and analytical and usually the descriptive involve studies that involve surveys to find facts. Nevertheless, there are two types of research methods, the primary research method, and a secondary research method. The primary research method refers to the data that is primarily collected by a researcher for a specific study. On the other hand, the secondary research method refers to the existing data. Secondary research or desktop research method makes use of the existing data but is summarized and analyzed in such a way that suits the study that is being conducted (Mohajan, 2018: 24). The secondary research method uses existing data from newspaper articles, journal articles, conference proceedings, and government gazettes. This study therefore has applied the secondary research methodology. The secondary research method was selected because the objectives of the study and the questions that the study seeks to address relate to the existing data.

IV. RESULTS AND DISCUSSION

The year 2020 has been a hectic year for all countries and introduced a new normal for all countries globally. The pandemic has forced government leaders globally to take unpopular decisions in the interest of protecting the people. In South Africa, in March 2020 the president has decided to lockdown the country for 21 days to control the spread of the virus. The lockdown was extended because of further infections that were reported in various parts of the country. This introduced many changes in the government systems which includes the special National Treasury Regulation which amended emergency procurement procedures. The purpose of the procurement amendment was to speed up the process of the delivery of the PPE which then opened opportunities for corrupt officials. Instead of the speedy delivery of the PPE, there was a speedy delivery of corruption. There was more backlog of delivery and more looting was reported (Dintsi, Mbanga and Smallwood, 2020: 284).

The corruption in the procurement of goods and services in the past few years raises a serious concern about the future of the country. The government leaders have failed to tackle corruption once and for all. Perhaps the leaders do not want to close all the loopholes of corruption because they are also the beneficiaries. They would not frustrate the system that is friendly to them and assist them to have a free cash injection. All the calls from different stakeholders of the society to end corruption have been neglected or at most been lamented as something that will be addressed (O'Flynn, 2020: 02). South African government in the past few years has been able to detect those that are corrupt through the conflict amongst the group of corrupt leaders and friends. The state has only been able to get involved once there is a tip-off from those that less benefitted in the corruption or from those that are bitter because they did not benefit. Those that less benefitted or did not benefit portray themselves as a saint while they also wanted to be in the front of the resources or drivers of the looting process. This shows that the South African systems to end corruption by the state power is weak. Government law enforcement agencies are not able to detect corruption from government officials and politicians unless all those corrupt fight for benefits. The weak system will always expose the country to corrupt activities as long as those that are corrupt are united. The trust vested in the government by the people is constantly broken and seemingly there is no turning back. The corruption through the procurement of the PPE has shown the people how inhuman the government leaders are (Musavengane, Leonard and Mureyani, 2020: 15).

The government of South Africa is good at contradicting itself when it comes to the procurement system and the process thereof. The created policies do not supplement or comprehend one another and this seems to be a deliberate action to allow corrupt activities to gain hegemony. According to Shai, Molefinyana and Quinot (2019: 7164), the B-BBEE guide how government must appoint companies and provide a scorecard to be followed when companies are appointed. This policy was implemented to change the economic situation of those that were excluded from the economic activities before 1994. This means that there is a pre-qualification criterion for companies that want to bid for government tenders. On the other hand, the Preferential Procurement Regulations known as the PPPFA have a different specification on who must tender with the government. These regulations that were passed into law in 2017 applies to all government procurement in South Africa. The PPPFA and the B-BBEE contradict each other because the B-BBEE policy states that the scorecard must be applied when a company is appointed while the PPPFA stipulates that the appointed company must subcontract a minimum of 30% to various categories. This means that the

scorecard cannot be followed as long as the appointed company will subcontract the small companies that comply with the B-BBEE specifications(Pillay, 2018: 36).

The contradiction has recently exposed south Africa to corrupt activities that led to many senior leaders suspended or dismissed. Corruption in the procurement of the PPE happened under the strict watch of government officials and law enforcement agencies. Treasury Regulations and the PFMA were professionally breached by those that are entrusted by the people to offer services. The emergency procurement regulations during the COVID-19 pandemic opened more chances for corruption. This was caused by poor internal control measures, lack of consequence management, and lack of leadership ethics(Malunga, 2020: 90).South Africa is not immune to the global crisis caused by the COVID-19 pandemic. The crisis directly affected the health system of the country-influenced the economic situation. For the government to save lives and counter-attack the pandemic, there was a need to source more funding from other financial institutions globally. The pandemic also had a social impact on the people globally. The pandemic has increased the gap between the rich and the poor. Unemployment levels have gone up while the government focused on fighting the pandemic. Despite all the sectors and the people that were affected by the pandemic in South Africa, the procurement of the PPE was a festival of corruption. Orchestrated corruption was well planned by those that are in power and used their power to access the public funds using the pandemic as a scapegoat(Satgar, 2020: 02). Corruption took place under the current government leadership regardless of the daily rhetoric made to stop and end corruption. The corruption during the pandemic raises a lot of questions about the decision made by the government to borrow money for the South African government on behalf of the people. The money that is lost through corruption would have gone too far to serve the needs of the people during this pandemic. The money that was borrowed by the government from the World bank has to be repaid by the people. Currently, the reported cases of corruption are not only for the supply of the PPE but also for the distribution of food parcels to the people. Looting of food parcels and false claims of delivering food parcels to the people have been reported and people have been arrested in various areas of the country. The urgency of the procurement of goods and services to curb the spread of the pandemic was not paired with strict control measures(Obaeko, Musvipwa, Ekene and Raselekoane, 2020: 762).

The R500bn was borrowed to ensure relief and stimulus to benefit the majority of the people and particularly the poor. Instead, this stimulus benefitted the companies that are connected to politicians and senior government officials. Most households continued to suffer and the government intervention did not benefit them. During the crisis, most government leaders focused on the measures to fight against the pandemic. Less attention was focused on the corrupt activities and elements that seek to oppress the poor and the foot soldiers that are on the ground in the fight against the pandemic(Mpofu, 2020: 07). The government has dismally failed to fight against corruption during the period of the peak of the pandemic. Those that were at the forefront to advise the president were looking for ways to bridge the system for their self-benefit. Most government officials misrepresented themselves in the fight against the pandemic. They all pretended to commit themselves to protect the nation against the pandemic. Their initial plan was to loot as much as they can before the pandemic end. Law enforcement agencies did not manage to hold those who were corrupt accountable. The investigations that followed after some tip-offs produced good results but the main question that South Africans need to ask themselves is what was going to happen if there was no tip-off. If the corrupt people are united and there is no conflict it means that they will go away with corruption without being caught.

To support the argument that has been made in this paper, the following cases of corruption committed by senior government officials are presented. The Standing Committee on Public Accounts (SCOPA) met with the Special Investigation Unit (SIU) to discuss the terms of reference to hold those responsible for corruption in the procurement of the PPE accountable. The SIU was given the mandate to investigate all government departments and all public officials that were involved in the procurement process. In support of the mandate given to the SIU, the president appointed a Ministerial task team to look at the contracts that were awarded tenders. The Ministerial team was tasked to investigate the tender irregularities that wasted more than R5 billion that was supposed to fund the PPE(GORELIK, 2020: 59). More than 600 cases of corruption were reported and all affected companies are under investigation. The nature of all cases and allegations are related to the manipulation of the procurement processes. The Ministerial committee was informed that some companies amongst those that are under investigation received payment before even performing their work. The Department of Water and Sanitation had its share of corrupt activities during the pandemic. The department awarded tenders to supply 17000 water tanks and there were allegations of deliberate

restriction of water infrastructure while tenders were awarded to connected service providers. Whistleblowers were able to inform the SIU and there was tangible evidence of corrupt activities. If the whistleblowers did not inform the law enforcement agencies we would not know if the cases were going to be investigated(Williams-Elegbe, 2020: 04).

In Gauteng province, the SIU received allegations of procurement in response to COVID-19 procurement from anonymous sources and whistleblowers. The allegations in Gauteng were serious which involved the Director-General in the Office of the Premier of Gauteng. All of those that were involved were suspended pending their investigation. Based on this and many other cases and allegations, the SIU was given a proclamation to investigate maladministration and corruption concerning the procurement of PPE and all procurement activities related to COVID-19. Corruption was identified in all spheres of government and all provinces which became a national crisis. The corruption was involved in the procurement of PPE, catering services including food parcels, hospital quarantine, disinfecting equipment, motorized wheelchairs, and ventilators. Corrupt officials and their business associates used the pandemic opportunity to enrich themselves. The chain of corrupt activities ranges from appointing disqualifying companies to paying companies without doing any work for the government. Price inflation was a fashion that was applied in almost all provinces. List of cases that are being investigated by the SIU and some of these cases have been handed over to the National Prosecuting Authority (NPA)(Pietersen, 2020: 41).

The Gauteng Department of Health was under investigation for corruption and illegal dealings amount to R2.2 billion which involved 157 companies. Companies cannot be corrupt alone without the assistance of public officials. According to Singh (2020: 02), the breakdown of the 157 companies involves 90 companies that were used to procure the PPE, 32 companies used for car hire, counseling, computer, catering, 30 companies to procure medical equipment, 5 companies for infrastructure projects and quarantine sites. In the Eastern Cape Province, various government Departments are under investigation for corruption and fraud. Departments, Labour, Education, Public Works, and Health are under investigation for corruption. This province has Nelson Mandela Bay Municipality, Mhlonto Municipality, OR Tambo Municipality, and 350 companies under investigation. Corrupt activities included non-payment of Temporary Employer/ Employee Relief Scheme, procurement of goods for decontamination, infrastructure, accommodation, and the PPE, leasing of 55 000 tablets, and e-learning platform(October, 2020: 05). In KwaZulu Natal (KZN) various departments were suspected to be corrupt but two Departments are under investigation, the Department of Education and the Department of Social Development. Both departments were involved in dealings that involved R550 million with 79 companies. Cases that are under investigation are similar to those of other provinces but to be precise, the investigation involved irregular procurement of PPE and blankets. In the North West province, JB Marks and Ratlou Local Municipalities were not left behind in corrupt activities(van der Walt, 2020: 35). The province is under investigation for corruption in both municipalities and three provincial Departments, the Department of Social Development, Department of Health, and the Department of Education. the corruption involved the 15 private companies and various public officials that were involved in the procurement of sanitizers, PPE, temperature guns, and petrol cards as well the food parcels. In Mpumalanga Province, R19 million was looted in the province through the Department of Health. The investigation involves six companies and various government officials that were involved in the deal. The funds were looted and no supply of equipment to curb the spread of the Covid-19 was distributed. Limpopo, R26 million was looted in the name of Covid-19 pandemic. Eight service providers that duly benefited in the procurement of Covid-19 equipment were not part of the database of supply. Most of this type of corruption in the province happened at Sekhukhune District Municipality. In Western Cape Province, two municipalities and three government departments are under investigation for corruption. Matzikama and Laingsburg Municipalities, Department of Education, Health, Agriculture, fisheries and forest are under investigation. Five private companies are under investigation together with various government officials. Similar cases related to Covid-19 equipment and facilities are the subjects of corruption. Tenders were awarded to friends of politicians, government officials, and those that are close to officials. In the Free State Province, R46 million were used through corrupt activities and this province spent more money on corruption when compared to other provinces. A total of 10 companies looted money and they were involved with several government officials(Jiang, 2020: 622).

Apart from provincial departments, national governments also had a share of corruption during the Covid-19 pandemic. Over R133 million was spent on corrupt dealings, national departments of education, defense, public works and infrastructure, labour, and correctional services were involved. These departments

followed suits of corruption that took place in various provincial departments and municipalities. Corruption related to the procurement of Covid-19 equipment and facilities took place (Hlengwa, 2020: 03). Corruption in the South African government has been normalized by those that are in power and senior government positions. They feel the sense of being untouchable and do whatever they wish to do with public funds and practice irregularities in the procurement processes. This was evident when the spokesperson of the president was found to be corrupt or was involved in corrupt activities (Winning, 2020: 01). The members of parliament have been informed that tenders worth R1.2 billion and 17 tenders were awarded to people that are politically inclined with the government leadership. Those that were found to be corrupt or suspected to be corrupt are seen as the people that are stealing from the poor (Moche, 2020: 03).

V. CONCLUSION

Government still has a long way to go, procurement and expenditure of funds are not done properly, beneficiaries are not thoroughly scrutinized. South African government has been a change of faces but the corruption remained the same. The fact that there are no criteria for appointing ministers tells us that there is a serious governance problem in the south African government. The governance system that is used in the country is friendly to corruption, the president has the prerogative to appoint ministers and he is not questioned by anyone. In this fashion, governance becomes the festival of friends who have a backup of senior politicians. The powers vested to the president give him or her powers to appoint ministers and other senior officials particularly those that fall within the chapter nine institutions. Those that have a good relationship stand better chances to be appointed as ministers and this has nothing to do with the capacity and capabilities of fulfilling the requirements for the post. Those that are close friends to the minister stand better chances to be employed or appointed in senior government positions. This process of how government officials are appointed or and employed expose resources to corruption. The way corruption is entrenched in South Africa can change the rules of the game. Those that are found to be corrupt in one department are changed to other departments for the sake of managing the public and the opposition parties. In most cases, those that are charged for corruption are protected by the politicians in senior structures. Corrupt people are compensated with other responsibilities that are not on the face of the South African people, such as an ambassador position. With regards to the corruption related to Covid-19, those that are under investigation and those that are found to be corrupt are not given positions as yet. It is a matter of comradeship and a system to look after each other, at this point the prosecution rate of those that are involved in the Covid-19 corruption and fraud is very minimal. It is therefore at this point, not easy to end corruption in South Africa, it seems as some were waiting patiently for the opportunity to steal and Covid-19 came. The new leadership has tried to create control measures, checks, and balances but how this regime took over is questionable. Those that were at the forefront to support this administration also have some expectations, mostly in business.

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